

PUBLIC UTILITIES COMMISSION

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August 13, 1998

VIA FEDERAL EXPRESS

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. , Room 222
Washington, D.C. 20036

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Re: GC Docket No. 98-73

Dear Mr. Caton:

Enclosed you will find an original and four copies of a document entitled,
COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

Also enclosed is an additional copy of each document to be conformed and
returned to me in the enclosed self-addressed envelope.

Thank you for your attention to this matter. If you have any questions, please
call me at (415) 703-1952

Sincerely,

Mary Mack Adu
Attorney for the People of the
State of California and the Public
Utilities Commission of the State
of California

MMA:cdl

encl.

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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AUG 14 1998

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In the Matter of

FCC Docket No.: FCC 98-98

Amendment of the Commission's
Ex Parte Rules in Joint Board
Proceedings

GC Docket No. 98-73

**COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA
AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

The People of the State of California and the Public Utilities Commission of the State of California ("California" or "CPUC") hereby respectfully submit their comments on the notice of proposed rulemaking ("NPRM") regarding proposed modification of the FCC's ex parte rules. On June 30, 1998, the FCC released an NPRM requesting comments on its proposal to amend FCC ex parte rules regarding communications by the states in Joint Board proceedings and FCC proceedings involving recommendations from Joint Boards (FCC 98-98; GC Docket No. 98-73). Under the current rules, Joint Boards are subject to the FCC's ex parte rules which permit ex parte presentations to decision-makers, but they must be disclosed. The FCC proposes that ex parte communications by state commissions, including their members and their staffs, to Joint Boards and the FCC be disclosed only if of substantial significance and clearly intended to affect the ultimate decision. Comments are due 30 days after publication of the NPRM in the Federal Register and replies are due 45 days after such publication.¹

¹ The NPRM appeared in the *Federal Register* on July 15, 1998. Comments are therefore due on August 14, 1998, and reply comments on August 29, 1998.

The CPUC supports the proposed modification of the FCC's ex parte rules to provide that ex parte contacts by state commissions be disclosed only if the presentation is of substantial significance or intended to affect the ultimate outcome. When warranted and to serve the public interest, the FCC has modified its ex parte rules in the past, in other circumstances. (See NPRM, ¶5.) The CPUC believes that the public interest is likewise served by the facilitating collaboration between the FCC and the states as they seek to implement the Telecommunications Act of 1996, consistent with Congressional intent. Collaborating with Joint Boards, such as Universal Service and Separations, provides the opportunity for states and the FCC to effectively address complex issues of joint concern. At the same time, fairness will be preserved in the proceedings by the proposal to report only those presentations that are of substantial significance or clearly intended to affect the ultimate decision. Accordingly, the CPUC supports the proposed rule modification.

Respectfully submitted,

PETER ARTH, JR.
WILLIAM N. FOLEY
MARY MACK ADU

By: 
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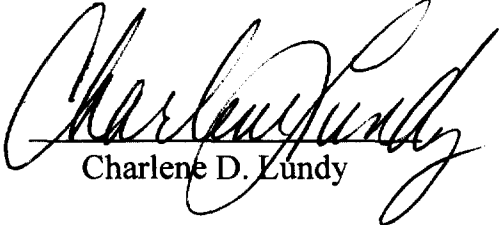
Attorneys for the
Public Utilities Commission
State Of California

August 13, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document entitled
COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA upon
all known parties of record in this proceeding by mailing by first-class a copy
thereof properly addressed to each party.

Dated at San Francisco, California this 13th day of August, 1998.


Charlene D. Lundy